

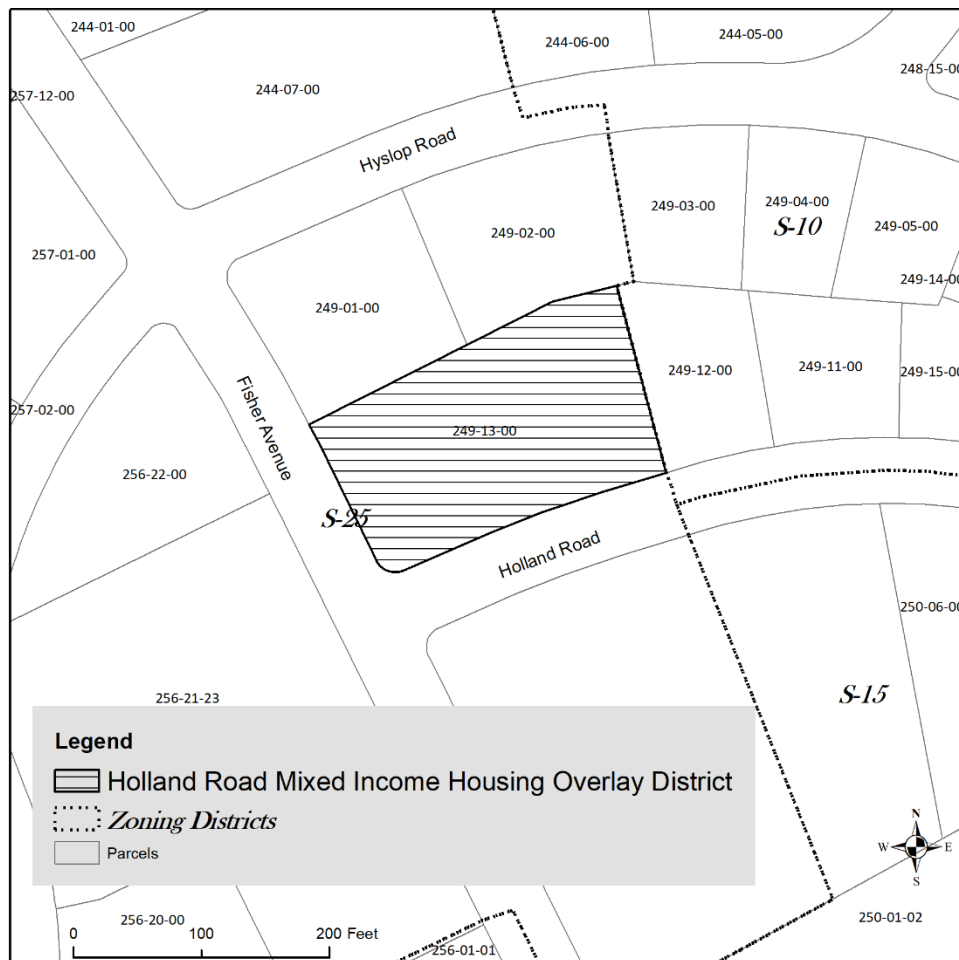
ARTICLE 13

THIRTEENTH ARTICLE

Submitted by: Paul Saner, on behalf of the Newbury Zoning Committee

To see if the Town will amend the Zoning By-law and Zoning Map as follows:

- 1. By adopting the following map change: adding a Holland Road Mixed Income Housing Overlay District including the parcel located at 125 Holland Road (Tax Parcel Identification #s 249-13-00), as shown in the map below.**



- 2. By amending Section 3.01.4 by inserting a new item “h” as follows:**

h. Holland Road Mixed Income Housing Overlay District

3. By amending Section 5.06.4 by inserting a new item “m” as follows:

m. Holland Road Mixed Income Housing Overlay District

- 1) It is found that the parcel of land at 125 Holland Road, formerly a part of the Newbury College campus (the “Site”) has been identified by the Newbury Zoning Committee, based on a recommendation from the Housing Advisory Board, as an appropriate site for mixed-income affordable housing development. For this reason, a developer may opt to develop the Site in accordance with the requirements of this overlay district.
- 2) Any applicant may seek relief under this overlay, provided the applicant’s proposed development meets the following requirements:
 - a. It contains 18 Dwelling Units, contained in a single building.
 - b. Six (6) of the Dwelling Units on the Site must be Affordable Units (as defined in Section 4.08.2.c.) for households with incomes up to 80% of Median Income, defined in accordance with Section 4.08.2.f and which must also qualify for the Town’s Subsidized Housing Inventory as per Massachusetts General Laws Chapter 40B and 760 CMR 56. Six (6) of the Dwelling Units on the Site must be Affordable Units for households with incomes up to 100% of Median Income. Six (6) of the Dwelling Units on the Site must be Affordable Units for households with incomes up to 150% of Median Income.
 - c. It has a viable plan for maintaining affordability for the longest period permitted by law that has been approved by the Department of Planning and Community Development.
- 3) Multi-Family Dwellings. Superseding any conflicting restrictions in Section 4 of the Zoning Bylaw, any development proposed pursuant to the requirements of this overlay district:
 - a. may include Multi-Family Dwellings;
 - b. is not required to meet the requirements of Section 4.08, with the exception that the development must meet the “Standards” requirements listed under Section 4.08.6. With respect to the standard for unit sizes

described in 4.08.6.c, any project proposed pursuant to this section will be deemed to meet the standard if the average unit size for the units with the applicable bedroom count meets or exceeds the listed square footage, so long as no individual unit has less than 95% of the prescribed square footage.

- 4) All applications in the Holland Road Mixed Income Housing Overlay District shall be subject to §5.09, Design Review, including any applicable Design Guidelines adopted by the Planning Board. Further, the Zoning Board of Appeals shall be empowered to require such other conditions as it deems necessary to bring the project into conformance with the goals of this overlay district, including a modification of the affordability requirements in 5.06.4.m2.b. The Zoning Board of Appeals may only grant a modification of the affordability requirements in 5.06.4.m2.b that raises the applicable Median Income levels following a favorable recommendation from the Housing Advisory Board and in no case shall the affordability requirements be modified to provide fewer than 4 Affordable Units for households with incomes up to 80% of Median Income and 4 Affordable Units for households with incomes up to 100% of Median Income, and in no case can any of the Affordable Units be available for households with incomes greater than 150% of Median Income.
- 5) Dimensional and Parking Requirements. Any development proposed pursuant to the requirements of this overlay district shall be subject to the dimensional requirements listed below, superseding any conflicting requirements in Sections 5 and 6 of the Zoning Bylaw for the underlying zoning district. Any dimensional requirements not specified below shall be required according to the requirements of the underlying zoning district.
 - a. Lot size. A minimum lot size of 35,000 square feet shall be required.
 - b. Floor Area Ratio. An overall maximum Floor Area Ratio of 0.5 shall be permitted.
 - c. Height. A maximum height of 40 feet, measured from the record grade of the midpoint of the lot line along Holland Road, shall be permitted.
 - d. Setbacks. A minimum Front Yard setback of 30 feet, a minimum Side Yard setback of 40 feet, and a minimum Rear Yard setback of 40 feet shall

be provided. Relief from these setback requirements may be sought under Section 5.43.

- e. Open Space. A minimum amount of Landscaped Open Space of 40% of Gross Floor Area and a minimum amount of Usable Open Space of 10% of Gross Floor Area shall be provided.
- f. Parking. Parking shall be provided at a minimum rate of 1 space per Dwelling Unit.

Or take any action thereto.

PETITIONER'S ARTICLE DESCRIPTION

This warrant article proposes the creation of a new overlay district, the Holland Road Mixed Income Housing Overlay District, and its establishment over the property at 125 Holland Road – a part of the former Newbury College campus. The overlay district allows an applicant to develop the land for the purpose of mixed-income housing provided it complies with the provisions of the overlay district. Those provisions include a requirement that the mixed-income housing development include exactly 18 units, six of which must be affordable to households with incomes up to 80% of median income, six of which must be affordable to households with incomes up to 100% of median income, and six of which must be affordable to households with incomes up to 150% of median income. These affordability requirements could be modified by the Zoning Board of Appeals if the Housing Advisory Board recommends doing so. The Overlay District also imposes a few dimensional requirements that are generally more restrictive, but in some cases less restrictive, than the existing underlying zoning. All developments proposed pursuant to this Overlay District would require Design Review with the Planning Board and a Special Permit from the Zoning Board of Appeals.

This warrant article is one of seven warrant articles related to Welltower's proposed development on the former Newbury College campus. For more information on how this proposed rezoning fits into the larger package, please review the explanation for the warrant article titled "Fisher Hill Special Overlay District Zoning" proposing a rezoning of the east side of the former Newbury College campus.

SELECT BOARD'S RECOMMENDATION

ADVISORY COMMITTEE'S RECOMMENDATION

May 19, 2020 Annual Town Meeting

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